

## Competition Enforcement Co-operation Template 2022

### Context and Explanation

The Competition Enforcement Co-operation Template (CEC Template) is intended to help improve transparency and trust in international enforcement co-operation between competition authorities. It collates consistent information regarding the ability of competition authorities to co-operate on enforcement matters, and provide counterpart authorities with easy-to-access information about their co-operation practices, processes and preferences. The CEC Template is intended to provide a clear, co-ordinated, centralised point for authorities to provide information about their abilities and practices across all key areas of enforcement co-operation. It flows from recent work on international enforcement co-operation in Working Party 3 and the Competition Committee (2021 [OECD/ICN Report](#) and [Report to Council on the Implementation of the 2014 Recommendation](#)).

After a thorough process of drafting and testing, in close co-operation with the International Competition Network (ICN), the OECD Competition Committee approved the CEC Template and its use in April 2022.

Participation in the CEC Template Survey is open to **all** competition agencies, not limited to OECD Members or Participants/Associates.

The actual CEC Template takes the form of an easy to use online Survey, and results will be displayed in an easily accessible database format on a dedicated website. All data will be fully public. Participating agencies will be asked to update their data on an annual basis.

The CEC Template as shown below is the text version of this online Survey, to facilitate preparation of the answers within competition authorities and their internal review, before submitting final answers in the online Survey. Some functionalities will only be available in the online Survey, such as definitions provided by hovering the mouse over a term, or questions only appearing conditional upon the answers provided to a previous question. All definitions used are annexed to this text version of the CEC Template.

For any questions on the CEC Template, please contact Ms Sabine Zigelski ([sabine.zigelski@oecd.org](mailto:sabine.zigelski@oecd.org)).

## Text Version of the Online Survey for CEC Template 2022

The Competition Enforcement Co-operation Template (CEC Template) is designed to collate consistent information regarding the ability of competition authorities to co-operate on enforcement matters and provide counterpart authorities with easy-to-access information about their co-operation practices, processes, and preferences. The CEC Template is intended to provide a clear, co-ordinated, centralised and up-to-date database for authorities to provide information about their international co-operation abilities and practices.

The OECD will create a database with the information provided by OECD member and non-member countries, which will be updated in regular intervals, and accessible on this website “Competition Enforcement Co-operation Template”. For any questions relating to this Template, please contact Sabine Ziegelski ([Sabine.ZIGELSKI@oecd.org](mailto:Sabine.ZIGELSKI@oecd.org)).

There is no limit to the amount of text in answer boxes. However, the small text boxes do not grow with your answer, so some text may be hidden. You can use the arrow keys to see any hidden text. To facilitate the input of text, work sharing and approval processes within authorities, it is recommended to use the word version of the template. Once finalised, the text should be copied and pasted into the online Survey form. **Please do not send the word document.**

Once you have started, you can save your answers at any point and return to complete the Template later. For certain terms, which are underlined in the text, **a short definition is provided in the annex** of this document.

### General disclaimers

- Where the CEC Template outlines information about an authority’s ‘ability’ to co-operate, this relates to the technical and legal ability to co-operate. All authorities have full discretion to decide whether they will and can co-operate with a counterpart authority on a case-by-case basis. This will be affected, among other things, by the level of trust and familiarity between different jurisdictions, resource constraints, timelines of cases, or strategic priorities.
- The CEC Template and the related definitions are designed solely to help facilitate a uniform interpretation of the questions and a common understanding of key terms used here. Completion of the CEC Template in no way affects the interpretation and use of these terms pursuant to the national laws and jurisprudence of any jurisdiction.
- Only information that is or can be made fully public should be made available through this template. If additional information can be made available to requesting competition authorities upon request, please indicate wherever this applies.

☐ I agree

## 1. Jurisdiction and competition authority

### G1Q01 Jurisdiction

### G1Q02 What is the full name and address of your authority?<sup>1</sup>

Name

Address

City

Postal Code

Country

### G1Q03 Are there other National Authorities in your jurisdiction that also have responsibility for enforcement of competition laws?

Please choose **only one** of the following:

☐ Yes ☐ No (If no, please skip to section 2)

### G1Q04 How many other national authorities in your jurisdiction also have responsibility for enforcement of competition laws?

Only answer if you answered "Yes" to question 1.3

Please choose **only one** of the following:

☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ More than 5

### G1Q05 Please insert name, address, and a brief description of the first (and second, third...) national authority's responsibility and any overlaps with your own responsibilities.

Only answer if you answered "Yes" to question 1.3

First national authority

*Name*

*Address*

*Responsibility description and overlaps*

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<sup>1</sup> This is the only mandatory question

Second national authority

*Name*

*Address*

*Responsibility description and overlaps*

Third national authority

*Name*

*Address*

*Responsibility description and overlaps*

Fourth national authority

*Name*

*Address*

*Responsibility description and overlaps*

Fifth national authority

*Name*

*Address*

*Responsibility description and overlaps*

Others

*Name*

*Address*

*Responsibility description and overlaps*

## 2. International Enforcement Co-operation contacts

### G2Q01 Appropriate national authority contact to initiate co-operation/make notification

The contact information provided will be made public on the OECD website to facilitate enforcement co-operation, and protected consistent with the [OECD Data Protection Rules](#). To update this information please contact Rebecca Lambert ([rebecca.lambert@oecd.org](mailto:rebecca.lambert@oecd.org)). If you do not want to provide personal contact details, please provide at least a generic email address for international co-operation purposes.

Name	Position title	Email
Generic authority email for international relations		
General contact		
Mergers (if different to General)		
Cartels (if different to General)		
Unilateral conduct (if different to General)		
Consumer protection (if Authority has this function)		
Other, please specify:		

### G2Q02 Please outline briefly how you would like to be contacted.

For example, would you prefer an early informal contact or are there formal or preferred requirements for making contact to initiate co-operation

Comments:

### G2Q03 Are early informal contacts welcome?

☐ Yes ☐ No

### G2Q04 Should the generic authority email and/or the general contact always be included when contacting specific contacts that have been provided for the relevant enforcement area?

☐ Yes ☐ No

### 3. Information on your national authority's current International Enforcement Co-operation practices

**G3Q01** Is your national authority an adherent to the OECD Recommendation concerning International Co-operation on Competition Investigations and Proceedings 2014?

Please choose **only one** of the following:

☐ Yes ☐ No

**G3Q02** Is your national authority part of a Regional Integration Arrangement?

☐ Yes ☐ No (If no, please skip to question 3.4)

**G3Q03** Please provide the name of the Regional Integration Arrangement and add any comments or references you deem relevant.

**Please answer all following questions only for co-operation with competition authorities that are not part of that Regional Integration Arrangement, and for types of co-operation that are not covered by the Regional Integration Arrangement.**

**G3Q04** Does your national authority have a webpage/public information outlining your authority's approach to International Enforcement Co-operation with other authorities?

☐ Yes ☐ No (If no, please skip to question 3.6)

**G3Q05** Please provide the link to the webpage and/or relevant public information and documents.

**G3Q06** Does your national authority provide public guidance relating to the following practical matters relating to International Enforcement Co-operation? Even if such guidance does not exist yet, you may provide explanations in the comments.

Please add/specify information you would like to provide in addition to information provided in the previous question on webpage/public information.

Please insert a link to available information

#### Comments

☐ Specific forms that should be used

☐ Whether requests are accepted in English

☐ Whether the requests themselves will be kept confidential

☐ Any minimum requirements for information that is provided in a request at first instance

☐ Any deadlines by which your authority must reply, comply or reject a request for enforcement co-operation

☐ Information on the decision making process of the receiving authority for considering requests

☐ Other:

**G3Q07 Is your national authority a member of the following [ICN](#) frameworks and/or has it completed these ICN templates/charts?**

These ICN mechanisms provide either information relating to an authority's ability to engage in enforcement co-operation or their substantive approach to particular enforcement or procedural matters that can assist in supporting efficient enforcement co-operation.

	Member	Last updated (year)	The information is still accurate and up to date
<b>Frameworks</b>			
<a href="#">Framework for Merger Review Cooperation (established 2012 to present)</a>	<input type="checkbox"/> Yes		<input type="checkbox"/> Yes
	<input type="checkbox"/> No		<input type="checkbox"/> No
<a href="#">Framework for the promotion of the sharing of non-confidential information (continued operation) (established 2016 to present)</a>	<input type="checkbox"/> Yes		<input type="checkbox"/> Yes
	<input type="checkbox"/> No		<input type="checkbox"/> No
<b>Templates/Charts</b>			
<a href="#">Merger Notification and Procedures Templates</a> (from 2006)	<input type="checkbox"/> Yes		<input type="checkbox"/> Yes
	<input type="checkbox"/> No		<input type="checkbox"/> No
<a href="#">Anti-Cartel Enforcement Template (2012)</a>	<input type="checkbox"/> Yes		<input type="checkbox"/> Yes
	<input type="checkbox"/> No		<input type="checkbox"/> No
Cartels - <a href="#">Charts Summarizing Information Sharing Mechanisms (2015)</a>	<input type="checkbox"/> Yes		<input type="checkbox"/> Yes
	<input type="checkbox"/> No		<input type="checkbox"/> No
<a href="#">Competition Agency Procedures Template</a>	<input type="checkbox"/> Yes		<input type="checkbox"/> Yes
	<input type="checkbox"/> No		<input type="checkbox"/> No

## 4. Legal bases for International Enforcement Co-operation

**G4Q01 What are the legal bases available to your national authority to engage in International Enforcement Co-operation with another jurisdiction?**

Please choose all that apply and provide a comment.

Please insert available relevant links/information.

Comments
<input type="checkbox"/> <u>Competition Co-operation Arrangement(s) - Authority Level</u>
<input type="checkbox"/> <u>Competition Co-operation Arrangement(s) - Government Level</u> (Not Regional Integration Arrangement)
<input type="checkbox"/> <u>Regional Integration Arrangement(s)</u>
<input type="checkbox"/> National Law (i.e. an existing provision in your national competition or other laws that allows for <u>International Enforcement Co-operation</u> )
<input type="checkbox"/> <u>Mutual Legal Assistance Treaty (MLAT)</u>
<input type="checkbox"/> Other: (please specify)

**G4Q02 Are all Authority Level Arrangements included in the [OECD List of Agency agreements](#)?**

(only answer this question if you ticked the “Competition Co-operation Arrangement – Authority level” box in 4.1)

☐ Yes ☐ No

**G4Q03 Are all Government Level Arrangements included in the [OECD List of Government agreements](#)?** (only answer this question if you ticked the “Competition Co-operation Arrangement – Government level” box in 4.1)

☐ Yes ☐ No

**G4Q04 Please indicate which type of cartel enforcement regime applies to your jurisdiction.**

Please choose **only one** of the following:

- ☐ Criminal
- ☐ Civil/Administrative
- ☐ Both

**Comments:**

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## 5. Availability of co-operation instruments

Please answer the questions only for co-operation with competition authorities that are not part of your Regional Integration Arrangement, and for types of co-operation that are not covered by the Regional Integration Arrangement.

**G5Q01 Does your national authority notify other competition authorities when considering competition matters affecting their jurisdictions?**

Please choose **only one** of the following:

- ☐ Yes/Sometimes ☐ No (If no, please skip to question 5.3)

**G5Q02 Please describe your notification process or provisions. Distinguish between mergers, cartels, abuse of dominance if relevant, and differentiate according to types of enforcement cases, where necessary.**

Only answer this question if you answered Yes/Sometimes to 5.1).

Please also include links to any information on this.

Comments
General description of notification process and provisions
Cartels
Merger Cases
Unilateral Conduct Cases
Other

**G5Q03 Are parties to a matter being considered or investigated by your national authority required or requested to inform your authority if they are aware that the same (or substantively similar matter) involving them is currently being considered by another authority/jurisdiction?**

	Yes	No
Merger control	<input type="checkbox"/>	<input type="checkbox"/>
Cartel – Leniency applicants	<input type="checkbox"/>	<input type="checkbox"/>
Unilateral Conduct Cases	<input type="checkbox"/>	<input type="checkbox"/>

**G5Q04 Does your national authority publish information about ongoing or past competition cases?**

- ☐ Yes ☐ No (If no, please skip to question 5.6)

**G5Q05 Please indicate which information is provided for the different enforcement areas**

Only answer this question if you answered yes to 5.4.

Please also include links to any information on this.

	Comments
<u>Merger cases</u>	
Notifications	<input type="checkbox"/>
Ongoing investigations	<input type="checkbox"/>
Decisions	<input type="checkbox"/>
<u>Cartel cases</u>	
Ongoing investigations	<input type="checkbox"/>
Decisions	<input type="checkbox"/>
<u>Unilateral conduct cases</u>	
Ongoing investigations	<input type="checkbox"/>
Decisions	<input type="checkbox"/>
<u>Consumer protection cases</u> (if Authority has this function)	
Ongoing investigations	<input type="checkbox"/>
Decisions/Communication	<input type="checkbox"/>

**G5Q06 Does your national authority have the legal ability to engage in Comity?**

While comity is an international law principle, often provisions in national law or in co-operation agreements enable and facilitate its use.

☐ Yes      ☐ No

**G5Q07 Please specify**

Please add specific information on legal bases, co-operation agreements and/or links to additional information that are specific to comity. You can refer to information provided under "legal bases" where appropriate.

Please choose all that apply and provide a comment:

Comments
<input type="checkbox"/> Negative comity
<input type="checkbox"/> Positive comity

**G5Q08 Does your national authority have the legal ability to share Authority Confidential Information with competition authorities in other jurisdictions?**

☐ Yes ☐ No (If no, please do not answer question 5.11)

**G5Q09 Please provide an additional comment on the sharing of Authority Confidential Information.**

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**G5Q10 If the definition provided here (see Annex: Definitions) differs significantly from the definition for Authority Confidential Information as established in your jurisdiction, please provide your definition.**

You can refer to information provided under "legal bases" where appropriate.

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**G5Q11 Please provide a brief description/links of the essential requirements/legal prerequisites, and specific forms or templates to be used, if any, for sharing Authority Confidential Information and differentiate according to enforcement areas, where necessary.**

Only answer this question if you answered yes to question 5.8

You can refer to information provided under "legal bases" where appropriate.

Comments
General response
Cartels
Merger Cases
Unilateral Conduct Cases
Other

**G5Q12 Does your national authority have the ability to share Confidential Information provided to the authority by either parties to a matter or third parties with competition authorities in other jurisdictions?**

☐ Yes ☐ Yes, with limitations ☐ No (If no, please do not answer question 5.14)

**G5Q13 If the definition provided here (see Annex: Definitions) differs significantly from the definition for Confidential Information as established in your jurisdiction, please provide your definition.**

**G5Q14 Please provide a brief description/links of the essential requirements/legal prerequisites, and specific forms or templates to be used when sharing Confidential Information and differentiate according to enforcement areas (mergers, cartels, unilateral conduct) when necessary.**

Only answer this question if you answered “Yes” or “Yes, with limitations” to question 5.12

You can refer to information provided under "legal bases" where appropriate.

Comments
General response
Cartels
Merger Cases
Unilateral Conduct Cases
Other

**G5Q15 Can your national authority exchange information based on Waivers?**

☐ Yes ☐ No (If no, please skip to question 5.17)

**G5Q16 Please provide links to any publicly available information/links on the process for granting/obtaining waivers and to any standard forms or templates, and differentiate according to enforcement areas, where necessary.**

Only answer this question if you answered “Yes” to question 5.15

Comments
General response
Cartels
Merger Cases

Unilateral Conduct  
Cases

Other

**G5Q17 If your national authority can share Confidential Information with other competition authorities, what conditions (if any) must a foreign authority requesting information meet before your authority can share Confidential Information?**

Please choose all that apply and provide a comment.

#### Comments

☐ General Comments

☐ Show the relevance of the requested information to the foreign authority's investigation

☐ Foreign authority is investigating the same or related anti-competitive practice or merger

☐ Grant reciprocal treatment

☐ Use only for same type of proceeding, i.e. criminal or administrative

☐ Use only by the foreign authority to whom the information was transmitted

☐ Show equivalence of confidentiality protection

☐ Confirm confidentiality protection for use and disclosure as agreed with transmitting jurisdiction

☐ Notify of any requests for disclosure of the shared confidential information

☐ Oppose disclosure to third parties, unless transmitting jurisdiction has not objected to disclosure

☐ Have appropriate confidentiality rules and practices in place to protect transmitted information

☐ In case of unauthorised disclosure, ensure that harm is minimised and transmitting authority is informed

☐ Outline the rules governing applicable privileges, such as privilege against self-incrimination and professional privileges

☐ Outline the rules governing privacy protection

☐ Outline the rules governing limits on timing to hold information (after which information will be deleted)

☐ Other

**G5Q18** If another authority provides your national authority with Confidential Information, and your authority confirms it will be treated as confidential, is this subject to any possible disclosure requirements, by law, policy or practice, of your authority's jurisdiction (e.g. to a court, party being investigated, other part of your agency or other government agency, or third party)?

☐ Yes      ☐ No (If no, please skip to question 5.20)

**G5Q19** Please provide a brief, non-exhaustive description of potential limitations on your authority's ability to keep information confidential (if available, provide links).

Only answer this question if you answered "Yes" to question 5.18

**G5Q20** Does your national authority or another branch of government or judicial authority have the legal authority to provide Investigative Assistance to a foreign authority in competition investigations?

Please choose **only one** of the following:

Yes      No (If no, please skip to question 5.25)

**G5Q21** Must your national authority also be investigating this issue?

Only answer this question if you answered "Yes" to question 5.20

☐ Yes      ☐ No

**G5Q22 Please indicate which types of assistance could be provided, given the appropriate legal bases are available and applicable.**

Only answer this question if you answered “Yes” to question 5.20

Please choose all that apply and provide a comment:

You can refer to information provided previously, where appropriate.

Comments
<input type="checkbox"/> Providing information in the public domain relating to the relevant conduct or practice
<input type="checkbox"/> Assisting in obtaining information from within the assisting competition authority
<input type="checkbox"/> Providing confidential information (as indicated above)
<input type="checkbox"/> Compelling the production of information in the form of testimony or documents for the requesting authority
<input type="checkbox"/> Ensuring that official documents are served in a timely manner for the requesting authority
<input type="checkbox"/> Executing searches, in particular in investigations concerning hard core cartel conduct, for the requesting authority
<input type="checkbox"/> Other:

**G5Q23 Are there any limitations on the type of investigative assistance that can be provided?**

Only answer this question if you answered “Yes” to question 5.20

You can refer to information provided previously, where appropriate.

☐ Yes      ☐ No

Make a comment on your choice here:

**G5Q24 Which authority(ies) can provide Investigative Assistance?**

Only answer this question if you answered “Yes” to question 5.20

**G5Q25 Does your national authority or legal system have the ability to engage in Enhanced Enforcement Co-operation with another authority?**

- ☐ Yes      ☐ No (If no, you have completed the survey.)

**G5Q26 Please indicate which co-operation activities could be possible, provided the appropriate legal bases are available and applicable.**

Only answer this question if you answered “Yes” to question 5.25

Please choose all that apply and provide a comment:

Comments
<input type="checkbox"/> Ability to create joint investigation teams, or to make cross-appointments (e.g. assign functions to staff of another jurisdiction)
<input type="checkbox"/> Ability to recognise and use findings of other authority (e.g. factual decisions about how an algorithm operated)
<input type="checkbox"/> Ability to appoint or be appointed as the ‘lead authority’ and/or to agree to ‘one-stop-shop’ case distribution models in cross-border cases
<input type="checkbox"/> Ability to adopt or formally recognise the decisions of another jurisdiction
<input type="checkbox"/> Ability to overtly consider the remedies of another jurisdiction in determining your own remedies
<input type="checkbox"/> Court-level co-operation in relation to sanctions and remedies
<input type="checkbox"/> Other:

**Thank you for taking the time to complete the CEC Template. We will inform you as soon as the CEC Template database is accessible on the OECD website.**

## **Annex: Definitions**

**Note:** These definitions serve the sole purpose of providing a common understanding of the terms used in the CEC Template, to ensure that answers by different jurisdictions are comparable. They are mostly based on definitions as used in previous OECD documents or legal instruments, including the 2014 OECD Recommendation concerning International Co-operation on Competition Investigations and Proceedings [[OECD/LEGAL/0408](#)] or the [OECD/ICN Report on International Co-operation in Competition Enforcement](#). They do not affect the interpretation under national law or jurisprudence or in documents issued by other organisations or networks.

### **Authority Confidential Information**

Information internally generated by the competition authority that the authority does not routinely disclose but for which there is no statutory prohibition or restriction on disclosure, and that does not specifically identify confidential information of individual enterprises. For example, it can include information on procedural steps in an investigation, investigative techniques, theories of harm, or potential remedies. Synonyms used are Authority Non-Public Information and Authority Internal Information. See also section VII 4. of the 2014 OECD Recommendation.

### **Comity**

A legal principle in international law whereby a jurisdiction takes the important interests of other jurisdictions into account when conducting its law enforcement activities. **Traditional comity** (also known as ‘negative comity’) involves a country’s consideration of how to prevent its laws and law enforcement actions from harming another country’s important interests. **Positive comity** is a jurisdiction’s consideration of another jurisdiction’s request to initiate and take appropriate enforcement actions in order to remedy conduct that is affecting the requesting jurisdiction’s interests. The principle of comity does not create legally binding obligations and does not prevent a jurisdiction from ultimately making a decision that may adversely affect another jurisdiction. See also section III. and IV of the 2014 OECD Recommendation.

### **Competition Co-operation Arrangement(s) - Authority Level**

Bi-lateral or multi-lateral arrangements between competition authorities relating to International Enforcement Co-operation. They vary in the extent to which they are binding and the degree to which they seek to impose specific obligations on each party (for example, they can be a First Generation Co-operation Agreement or a Second Generation Co-operation Agreement). They often take the form of a Memorandum of Understanding (MOU) between authorities and are usually non-binding. See for example: [OECD inventory of international co-operation agreements between competition agencies](#).

### **Competition Co-operation Arrangement(s) - Government Level**

Bi-lateral or multi-lateral arrangements between governments relating to International Enforcement Co-operation. They vary in the extent to which they can be binding and the degree to which they may seek to impose specific obligations on each party (for example, they can be a First Generation Co-operation Agreement or Second Generation Co-operation Agreement). These co-operation arrangements can be distinguished from Regional Integration Arrangements and Free Trade Agreements,

which may have competition elements but are generally part of a broader economic or trade arrangement. They are also different from MLATs. See for example: [OECD inventory of government international co-operation agreements on competition](#).

### ***Confidential Information***

Confidential Information refers to information the disclosure of which is either prohibited or subject to restrictions under the laws, regulations, or policies of a jurisdiction, e.g., non-public business information or business secrets the disclosure of which could prejudice the legitimate commercial interests of an enterprise. The definition of confidential information (and what this means for whether and with whom it can be shared) varies between jurisdictions. See also section I of the 2014 OECD Recommendation, and section 18 of [2021 OECD/ICN Report](#).

### ***Confidential Information Sharing***

Sharing Confidential Information with other authorities. Such sharing requires either a Waiver of confidentiality or a legal basis, such as: National Law provisions (e.g., an Information Gateway); a Mutual Legal Assistance Treaty (MLAT); or Regional Enforcement Arrangements that allow confidential business information to be shared without consent by the parties that provided the information. For requirements and safeguards, see also section VII of the 2014 OECD Recommendation.

### ***Enhanced Enforcement Co-operation***

Enhanced co-operation can include a spectrum of co-operation activities. They can range from informal resource sharing, to an authority taking the lead on an investigation between agencies. Some forms of co-operation may require the existence of appropriate legal instruments to enable such things as mutual recognition of decisions, 'lead authority' or 'one-stop-shop' models, joint investigative teams and cross-appointments, or co-operation at court level. Enhanced co-operation will usually occur in parallel case proceedings, different from Investigative Assistance, which will usually support one authority in its case investigation. The 2014 OECD Recommendation calls for the development of enhanced co-operation tools for investigations carried out by multiple agencies. See also section 9.8.1 of the [OECD/ICN Report on International Co-operation in Competition Enforcement](#).

### ***First Generation Co-operation Agreement***

First generation co-operation agreements establish enforcement co-operation arrangements between parties. They generally reflect the scope of co-operation activities that the authority could undertake even in the absence of an agreement/arrangement, although they can establish a framework and commitment to undertake such activities. They often take the form of a non-binding Memorandum of Understanding.

### ***[ICN](#)***

International Competition Network. The ICN is a specialised yet informal network of established and newer competition agencies, enriched by the participation of non-governmental advisors (representatives from business, consumer groups, academics, and the legal and economic professions), with the common aim of addressing practical antitrust enforcement and policy issues. By enhancing convergence and co-operation,

the ICN promotes more efficient and effective antitrust enforcement worldwide to the benefit of consumers and businesses.

### ***Information Gateway***

A provision or ability under National Law allowing (Confidential) Information Sharing between competition authorities without the need to obtain prior consent from the source of the information. The transmitting jurisdiction usually retains full discretion whether to provide the information under the information gateway, and may choose to provide it subject to restrictions on use or disclosure. See also section VII 10 - 16 of the 2014 OECD Recommendation.

### ***International Enforcement Co-operation***

International enforcement co-operation between competition authorities can take many different forms and cover a range of possible activities. It is generally characterised as co-operation relating to ongoing or potential cases or investigations in the various competition enforcement areas (rather than co-operation relating to broader policy questions). It can include two or more competition authorities, and can range from resource intensive collaboration and co-ordination activities to a phone call between colleagues in counterpart authorities.

### ***Investigative Assistance***

Support, on a voluntary basis, of another jurisdiction's enforcement activity, including in cases where only one jurisdiction proceeds against the anti-competitive conduct or merger. This can include the provision of public information; compelling the production of information in the form of testimony or documents; serving official documents; and executing searches, especially in the case of investigations or proceedings regarding hard core cartel conduct. See also section VIII of the 2014 OECD Recommendation.

### ***Memorandum of Understanding (MOU)***

A written arrangement between two or more parties. The legal status of an MOU may vary depending on the context in which it is made. They are commonly used in Competition Co-operation Arrangements - Authority Level. Other names used are "Framework on Co-operation", or "Co-operation Arrangement." MoUs are not legally binding and do not create formal commitments.

### ***Mutual Legal Assistance Treaty (MLAT)***

Mutual Legal Assistance Treaties (MLATs) are bi-lateral treaties creating reciprocal international obligations between sovereign governments, and are not specific to competition investigations. An MLAT normally allows the signatories to request various types of assistance from each other for use in criminal cases, including the use of formal investigative powers (such as taking evidence and execution of searches and seizures) and sharing of confidential information.

### ***Notification***

Notification in the context of International Enforcement Co-operation is a communication by one authority to another authority of enforcement or investigative activity (such as on a planned or ongoing investigation, proceeding, enforcement

action, or market study) that may affect the interests of the notified jurisdiction (see also Comity).

### ***Other National Level Authorities***

Authorities that have jurisdiction on competition matters in addition to the competition authority, concurrent or exclusive, for example in certain industries, regulated sectors or enforcement areas.

### **[OECD Recommendation concerning International Co-operation on Competition Investigations and Proceedings 2014](#)**

Recommendation adopted by the OECD Council in 2014, which calls for governments to foster their competition laws and practices so as to promote further international co-operation among competition authorities and to reduce the harm arising from anticompetitive practices and from mergers with anticompetitive effects. The Recommendation addresses the need for a commitment to effective co-operation; flexible approaches to notifications of investigations; and co-ordination of parallel investigations. It also addresses the need to adopt provisions to facilitate the exchange of confidential information, as well as for enhanced co-operation.

### ***Regional Integration Arrangement***

Regional arrangements that allow for International Enforcement Co-operation, such as Confidential Information Sharing, providing Investigative Assistance or engaging in other forms of enforcement co-operation, and which form part of a set of rules or arrangements designed to allow for deeper economic or legal integration (such as a common market, customs union, trade agreement to establish economic relations). They include regional arrangements that create supranational competition agencies (such as the European Commission as part of the EU arrangements), as well as the other forms of regional arrangements. See also section 13.2.2 of the [OECD/ICN Report on International Co-operation in Competition Enforcement](#).

### ***Second Generation Co-operation Agreement***

Second Generation Co-operation Agreements generally contain all the provisions of First Generation Co-operation Agreements. In addition, they enable competition authorities to engage in deeper co-operation activities in clearly prescribed circumstances, such as Confidential Information Sharing, Investigative Assistance, and Enhanced Co-operation. In some Second Generation Co-operation Agreements, Confidential Information can sometimes be shared without the requirement to seek prior consent from the source of the information. See examples of second generation agreements in Annex F: Examples of second generation agreements in [OECD/ICN Report on International Co-operation in Competition Enforcement](#).

### ***Waiver***

A waiver, or waiver of confidentiality, means a permission granted voluntarily by a party subject to an investigation or proceeding, or by a third party, that enables competition authorities to discuss and/or exchange information, otherwise protected by confidentiality rules of the jurisdiction(s) involved, which has been obtained from the party in question. Waiving parties are free to determine the scope of the exchange of information they allow. See also section VII 6 – 9 2014 OECD Recommendation.